

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JANE and **JOHN DOE**, individually and as
Parents and Next Friends of **DOE CHILD**, a
minor,

No. 3:15-cv-00385-ST

Plaintiffs,

OPINION AND ORDER

v.

LAKE OSWEGO SCHOOL DISTRICT, an
Oregon municipal corporation; **HEATHER
BECK**, an individual; **JENNIFER SCHIELE**, an
individual; **IAN LAMONT**, an individual;
KAYLA NORDLUM, an individual; **ASHLEY
NORDLUM**, an individual; **SUZANNE YOUNG**, an
individual; and **UNKNOWN STAFF, UNKNOWN
INDIVIDUALS**,

Defendants.

MOSMAN, J.,

On July 17, 2015, Magistrate Judge Stewart issued her Amended Findings and Recommendation [47], recommending that Defendant's Motion to Dismiss [15] should be GRANTED without prejudice and with leave to file an amended complaint adding Doe Parents' true names and Doe Child's initials. Plaintiffs filed their objections to the F&R [49], arguing that review is not necessary in light of Plaintiffs' Second Amended Complaint.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Stewart's recommendation and I ADOPT the Amended F&R [47] as my own opinion.

IT IS SO ORDERED.

DATED this 20th day of August, 2015.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge